IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13412 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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SURESHBHAI KANJIBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER AND OR HIS SUCCESSOR IN OFFICE

Appearance:

MR CHETAN K PANDYA for Petitioner

MR AKSHAY H MEHTA for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 27/12/2000

ORAL JUDGEMENT

1. Rule. Mr. Akshay Mehta, learned CGSC waives service of rule on behalf of the respondent.

2. Heard learned counsel Mr. Pandya for the petitioner. Learned counsel for the petitioner submitted that the petitioner was issued with an international passport No: U 562010 issued on 19-2-1996. In the said passport the date of birth was recorded on the basis of the school leaving certificate, i.e. 10-6-1958. Thereafter the petitioner obtained birth certificate from the Registrar of Births & Deaths of Palsana village. From the birth certificate issued by the Mamlatdar, Palsana, date of birth of the petitioner has been recorded as 26-5-1958. Learned counsel submitted that the petitioner approached the respondent- Regional Passport Officer, Ahmedabad for correction of date of birth in accordance with the birth certificate issued by

the Registrar of Births & Deaths, Palsana, but the same has not been done. Hence this petition.

3. Learned CGSC Mr. Akshay Mehta submitted that, if genuine certificates are produced the respondent may consider the same and if satisfied necessary correction in the passport can be made. In case of any dispute regarding date of birth in the school leaving certificate and the certificate issued by the local authority, the certificate issued by the local authority should prevail Therefore I am of the view that the respondent should have acted on the certificate issued by the Registrar of Births & Deaths, Palsana village. However the petitioner may submit all the relevant documents including the birth certificate issued by the Registrar of Births & Deaths, that is the Mamlatdar of Palsana village to the respondent Regional Passport Officer and if said documents are filed, the respondent is directed to consider the same and if satisfied about the date of birth of the petitioner as 26-5-1958, then the same may be recorded in the passport by correcting the earlier date of birth.

4. It appears that, there is no fault on the part of the respondent for recording the date of birth of the petitioner in the passport issued as 10-6-1958 as the aforesaid entry was made on the basis of the information furnished by the petitioner. Now in pursuance of the aforesaid direction if the date of birth is corrected by the respondent, in that event, the petitioner shall pay cost of Rs.1,500-00 to the respondent office. With the aforesaid direction and observation present petition is disposed of. Rule made absolute to the aforesaid extent. Direct service permitted.

Dt: 27-12-2000 (P.K. Sarkar, J)

/vgn.